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August 8, 2024

**BY ECF**

The Honorable Pamela K. Chen  
United States District Judge  
United States District Court, Eastern District  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Securities Exchange Commission v. Xia, et al.* U.S. Dist. Ct., Dkt. No. 21-Civ-5350 (PKC)

Dear Judge Chen:

As you are aware, our law firm represents Defendant Richard Xia and his affiliated companies (“Defendants”) in an ongoing arbitration with Defendants’ former counsel Sills, Cummis & Gross P.C. We also represent Defendants the case of *Molina v. Xia, et al.*, U.S. Dist. Ct., Dkt. No. 22-Civ-00864, which is pending before Your Honor, as well as assisting Defendants in resolving other issues relating to the projects which are the subject of this litigation.

Naturally, we are pleased that our clients and the SEC have reached a resolution and we appreciate your advice and efforts in resolving this case and acknowledge Your Honor’s preference to defer the issue of attorney fees until a settlement had been reached. As reflected in the transcript of the status conference dated April 11, 2024, your Honor stated “I know there is still a payment issue. But I am deferring on all those until we can get some settlement and clarity here. I know Mr. Hantman may be on the same boat.”<sup>1</sup>

Therefore, now that the Court has approved the Securities and Exchange Committee’s (“SEC”) Motion for Approval of Consent Settlement and the Entry of “Final Judgment Consent Judgment” on July 26, 2024 (ECF 458, the “Order”), we respectfully request, as previously detailed in our previous submissions (ECF 420 and 424), that the Court authorize the transfer of legal fees from the escrow account of Meyer Suozzi English & Klein, P.C. (“Meyer Suozzi”) to our firm’s IOLTA account as these funds were already allocated to be used in defending Mr. Xia and his affiliated entities in on going litigation. Further these funds are separate and apart from the “frozen funds.”

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<sup>1</sup> See Exhibit 1 – 04.11.24 Conference Transcript at p. 43 L17-20

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Naturally, the distribution of the funds will still be subject to approval by the defendants and, if necessary, by whomever is designated by Your Honor.

We appreciate the Court's attention to this matter and remain available to provide any additional information or comply with any directions that the Court may deem appropriate.

Our appearance in this action is limited simply to the filing of this letter. We had hoped that Defendant's counsel of record would assist in this matter and avoid the necessity of us filing a notice of appearance, but they have refused. We had reached out to Ms. Fida Abdallah to request clarification on preferred procedure regarding this request, however we have yet to hear back from the Court, and feel it is imperative to bring this to the courts attention as there are other cases that need to be addressed. Thus at the request of our clients we make this limited application.

Respectfully,

/s/ Robert J. Hantman, Esq.